

## **REMARKS**

Applicants appreciate the Examiner's thorough consideration provided in the present application. Claims 1-40 are currently pending in the instant application. Claims 28 and 37-39 have been amended. Claims 1, 5, 14, 20, 23-26, 28 and 37-39 are independent. Reconsideration of the present application is earnestly solicited.

Applicants submit that the After Final Amendment previously filed on September 9, 2003 was not entered by the Examiner. Accordingly, Applicants have submitted the previously submitted amendments and the following additional remarks for the Examiner's consideration with respect to the above-identified application.

### **Allowable Subject Matter**

Applicants appreciate the Examiner's indication of allowable subject matter. Specifically, claims 20, 23, 25 and 38 have been allowed. In addition, the Examiner has indicated that the subject matter of claims 32, 33 and 35 would be allowed if rewritten in independent format. In light of the foregoing amendments to the claims, and as indicated by the Examiner in the Final Office Action, claims 20, 23, 25 and 38 should be allowed as indicated by the

Examiner. Applicants submit that the remaining claims are also allowable as discussed in greater detail hereinafter.

### **Information Disclosure Statement**

Applicants have submitted an information disclosure statement concurrently herewith that includes several U.S. patent documents relating to transflective surface(s) and/or transflectors. Applicants submit that it is the Examiner's position that an ordinary prism, e.g., as in the Seitz and/or Sasaki references relied upon by the Examiner, actually includes a "transflective surface." Further, the Examiner has alleged that any surface that transmits and/or reflects light is transflective. Applicants submit that it is clear that the Examiner is unfamiliar with "transflective surfaces" and/or "transflectors." Although Applicants have attempted to clarify the definition of this term of art, the Examiner has indicated that the prosecution is closed with respect to this "issue." Applicants therefore request a personal interview with the Examiner and/or his supervisor to discuss the Examiner's misinterpretation of the term transflective and to provide additional examples of transflective surfaces.

Applicants submit that even a cursory textual search of the U.S. Patent Database will provide numerous examples of transflective surfaces. For

example, U.S. Patent Document No. 5,165,080 to Healey describes an optical distributor. Applicants submit that Healey describes an optical distributor that includes a transflective surface (elements 2, 4, 6) and one or more plane mirror surfaces (element 8, e.g., such as the prism relied upon by the Examiner as allegedly being a transflector). The Examiner is requested to review col. 1, line 65 through col. 2, lines 20 and col. 4, lines 11-68 of the Healey reference to see that the Examiner's interpretation of the term "transflective" is repugnant to any art recognized use of the term.

Applicants submit that the term transflective is a term of art, e.g., one of ordinary skill in the art would clearly realize that a prism (Seitz) does not contain any transflective surfaces. The Examiner has opined that an ordinary prism actually includes a transflective surface, e.g., the Examiner's position is that when transflective is interpreted broadly, the term transflective may be used to describe one of the surfaces of a prism. Applicants submit that the alleged "definition" advanced by the Examiner for the term transflective is not "a broad definition," but an unreasonable interpretation of the term that is clearly repugnant to any art recognized use of the term transflective.

Applicants have asked for support in the prior art of record of this allegedly broad and reasonable definition of the term transflective advanced by

the Examiner. Instead, the Examiner has pointed to structure that not only fails to mention any transfective surfaces, but fails to mention any transfective surfaces on the surface of a prism. Applicants submit that it is not necessary for Applicants patent application to include a term by term definition of art recognized terms, i.e., transfective. However, Applicants submit that the references submitted in the enclosed Information Disclosure Statement have been provided to merely educate the Examiner with respect to the term transfective, e.g., as utilized in lighting and optics in the related art.

### **Claim Rejections Under 35 U.S.C. § 102**

Claims 1, 3, 9, 11 and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Seitz (U.S. Patent No. 1,617,423). Claims 1-3, 9, 11, 14, 17, 26-30, 39 and 40 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sasaki (U.S. Patent No. 5,769,532). These rejections are respectfully traversed.

Applicants submit that it is impossible for Seitz in view of Sasaki to teach a transfective surface when the references individually fail to teach or suggest any transfective surfaces or properties. With respect to the Seitz reference, Applicants respectfully submit that this reference fails to teach or suggest any

*transflective* surface as alleged by the Examiner. Further, the Sasaki reference fails to teach or suggest any *transflective* surface as alleged by the Examiner. The surfaces the Examiner has pointed to are not transflective.

Specifically, Applicants submit that the term “transflective” is a term of art that one of ordinary skill in the art will appreciate as having properties of both transmissive and reflective surfaces, e.g., transflective surfaces share many features of types of surfaces. However, transflective surfaces are clearly different than transmissive and/or reflective surfaces, e.g., the surfaces relied upon by the Examiner in the prior art of record are clearly not transflective surfaces. For example, *transflective* surfaces or displays have a translucent material or surface that reflects a portion of the surrounding light, and also transmits backlighting. If a transflective surface is used in reflection, it is not as bright and has lower contrast than the reflective type, but it can be backlit for use in low light conditions. Accordingly, these rejections should be withdrawn.

With respect to claim 1, Seitz and/or Sasaki fail to teach or suggest the unique combination of elements of the claimed invention, including a position light for use on an aircraft, comprising a prism having an input face, an output face, and *a transflective face to receive, distribute, and direct light emitted by*

*said light source, said light source being located externally to said prism.”*  
(emphasis added)

With respect to claim 14, Sasaki fails to teach or suggest the unique combination of elements of the claimed invention, including “a prism having an input face, an output face, and *a transflective face to receive, distribute, and direct light emitted by said light source, said light source being located externally to said prism.”* (emphasis added)

With respect to claim 26, Sasaki fails to teach or suggest the unique combination of elements of the claimed invention, including “a prism having an input face, an output face, and *a transflective face to receive, distribute, and direct light.”* (emphasis added)

With respect to claim 28, Seitz and/or Sasaki fail to teach or suggest the unique combination of elements of the claimed invention, including a process incorporating “receiving, distributing, and directing light emitted from said light source by means of a prism having an input face, an output face, and *a transflective face*, said light sources being located externally to said prism.”  
(emphasis added)

With respect to claim 39, Sasaki fails to teach or suggest the unique combination of elements of the claimed invention, including “*receiving*,

*distributing, and directing light emitted from said light source by means of a prism having an input face, an output face, and a transflective face, wherein a first portion of the light emitted from said light source undergoes total internal reflection at said transflective face of said prism and a second portion of the light emitted from said light source is transmitted through said transflective face, the combination of said first and second portions of light producing a lighting pattern with a sharp angular cutoff corresponding to the critical angle for said total internal reflection at said transflective face.”* (emphasis added)

With respect to the Seitz reference, the Examiner has indicated that the prism (element K) includes a transflective face. Applicants submit that this interpretation is improper. First, the pocket (element L) is clearly a structural element designed to support the prism (element K) within the inner casing (element H). However, this pocket (element L) is clearly not designed to permit any transmission of light nor is it intended to act as transflective surface (transmissive and reflective). Accordingly, the rejections based upon this reference should be withdrawn.

With respect to Sasaki, the alleged “transflective” surface of the prism of Sasaki is clearly not a transflective surface. For example, the Examiner has indicated that the reflective surfaces (element 31 in Sasaki) is actually a

transflective surface. Applicants respectfully submit that Sasaki clearly indicates at col. 4, lines 64-67 through col. 5, lines 1-4 that these surfaces are only *reflective* surfaces. Further, there is no support in the Sasaki reference for the Examiner's suggestion that this surface is or may function as a transflective surface. Accordingly, this rejection is improper.

In accordance with the above discussion of the patents relied upon by the Examiner, Applicants respectfully submit that these documents, either in combination together or standing alone, fail to teach or suggest the invention as is set forth by the claims of the instant application.

As to the dependent claims, Applicants respectfully submit that these claims are allowable due to their dependence upon an allowable independent claim, as well as for additional limitations provided by these claims.

### **Claim Rejections Under 35 U.S.C. § 103**

Claims 5-8, 10, 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasaki (U.S. Patent No. 5,769,532) in view of Waltz et al. (U.S. Patent No. 5,450,301). Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasaki (U.S. Patent No. 5,769,532) in view of Roney et al. (U.S. Patent No. 5,528,474). Claims 1-3, 5-10, 14, 15, 17, 24, 26-



29, 36, 37, 39 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaw et al. (U.S. Patent No. 6,419,372) in view of Kalmanash (U.S. Patent No. 5,211,463). Claims 16, 18, 19, 21, 22, 31 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaw et al. (U.S. Patent No. 6,419,372) in view of Kalmanash (U.S. Patent No. 5,211,463), and further in view of Yamada et al. (U.S. Patent No. 5,704,703). This rejection is respectfully traversed.

With respect to the rejections based upon the Sasaki reference, Applicants respectfully submit that this rejection has been obviated and/or rendered moot. Specifically, as discussed in greater detail hereinabove, Sasaki fails to teach or suggest a prism having a transflective surface as alleged by the Examiner. For example, with respect to claim 5, the Sasaki reference fails to teach or suggest the unique combination of elements of the claimed invention, including “a prism having an input face, an output face, and *a transflective face to receive, distribute, and direct light emitted by said light source, said light source being located externally to said prism.*” (emphasis added) Accordingly, the rejections based upon this reference should be withdrawn.

With respect to the rejections based upon the combination of Shaw et al. in view of Kalmanash, Applicants respectfully submit that this rejection is

improper. First, Applicants respectfully submit that the Examiner has not identified a prism within the Shaw et al. reference. Further, even if the alleged prism(s) (optical wedge 150 and optical waveguide 250) of Shaw were implicitly taught as *prisms* in this reference, the Examiner's insinuation that these alleged prism(s) include "transflective" faces is improper. Specifically, the Examiner's position appears to be that any three-sided optical wedge or prism anticipates the prism of the claimed invention having a transflective face. Applicants remind the Examiner that all of the optical wedges or prisms relied upon by the Examiner in the prior art of record as having transflective faces, are actually reflective or transmissive surfaces. Accordingly, these surfaces are clearly not transflective surfaces as in the unique combination of elements of the claimed invention. Therefore, these rejections should be withdrawn.

### **CONCLUSION**

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state-of-the-art, no further comments are necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

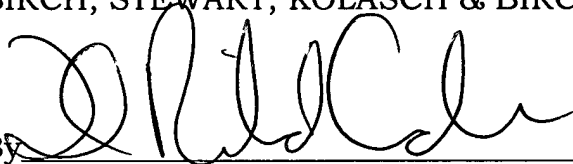
In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew T. Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

Applicants respectfully petition under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for a two-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of **\$420.00** is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

D. Richard Anderson  
Reg. No. 40,439

DRA/MTS/cl

P. O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000